

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA



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Order Instituting Rulemaking to Implement the)
Commission's Procurement Incentive Framework)
and to Examine the Integration of Greenhouse Gas)
Emission Standards into Procurement Policies.)

R.06-04-009
(Filed April 13, 2006)

**COMMENTS OF CALPINE CORPORATION ON THE PROPOSED DECISION OF
COMMISSIONER PEEVEY ON REPORTING AND TRACKING OF GREENHOUSE
GAS EMISSIONS IN THE ELECTRICITY SECTOR**

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Dated: August 24, 2007

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Pursuant to Article 14 of the California Public Utilities Commission ("CPUC") Rules of Practice and Procedure, Calpine Corporation ("Calpine") submits these comments on the Proposed Decision of Commissioner Peevey ("Proposed Decision") on reporting and tracking of greenhouse gas ("GHG") emissions in the electricity sector. The Proposed Decision would adopt proposed "reporting and tracking requirements applicable to retail providers and marketers in the electricity sector."¹ The purpose of the reporting and tracking requirements is "to collect the information that would be needed to track GHG emissions attributed to the electricity sector under a load-based GHG regulatory approach."² Upon adoption by the CPUC and California Energy Commission ("CEC"), these requirements would be recommended to the California Air Resources Board ("ARB") to be included in ARB's implementation of Assembly Bill ("AB") 32.

As part of the reporting and tracking requirements, the Proposed Decision would establish default emission factors that would be attributed to unspecified sources and, in certain cases, specified resources. These default emission factors would range from 714 lbs CO₂/MWh (for power purchases from the Pacific Northwest) to 1,075 lbs CO₂/MWh (for power purchases

¹ Proposed Decision, mimeo at 2.

² Proposed Decision, mimeo at 3.

from the Southwest).³ According to the Proposed Decision, such default emission factors serve as accurate proxies of emissions for the identified types of purchases⁴ and “would prevent the attribution to retail providers of GHG emission reductions that are not real.”⁵

AB 32 mandates a reduction in statewide GHG emissions to 1990 levels by 2020.⁶ Calpine supports the goals of AB 32 and appreciates the continuing efforts of the CPUC, CEC, ARB, and other State agencies to reduce GHG emissions. To effectively reduce GHG emissions, however, it will be important to establish strong reporting, tracking, and verification mechanisms that, to the greatest extent possible, maximize the use of actual emissions for reporting and tracking purposes. As discussed below, because default emission factors do not reflect a source’s actual emissions, the use of default emission factors will necessarily result in inaccurate reporting and tracking. Accordingly, the Proposed Decision should be revised to increase the default emission factors applied to unspecified sources and prohibit the use of default emission factors for specified resources.

I. THE RECOMMENDED DEFAULT EMISSION FACTORS FOR UNSPECIFIED RESOURCES SHOULD BE INCREASED

Adopting rules that encourage the use of specified sources and require that actual emissions associated with such sources be used for reporting and tracking purposes will be critical to ensuring that the emission reduction goals in AB 32 will be met. Nevertheless, Calpine agrees with the Proposed Decision that there are situations in which the use of unspecified sources will be unavoidable or otherwise necessary. For example, the Proposed Decision notes that contracts for power from a specified source may allow for the use of

³ Proposed Decision, mimeo at 4. A default emission factor of 1,000 lbs CO₂/MWh would be used for purchases from in-state unspecified sources and from the California Independent System Operator’s real time and integrated forward markets.

⁴ Proposed Decision, mimeo at 17.

⁵ Proposed Decision, mimeo at 15.

⁶ Cal. Health and Safety Code § 38550.

unspecified sources to provide power “during planned and unplanned outages, start-ups, ramp rates, and other operating conditions that limit the [specified] plant’s output.”⁷ In such circumstances, the Proposed Decision would recommend that ARB attribute the emissions of the specified source to the unspecified substitute source for up to 15 percent of the energy delivered and use a default emission factor for all energy delivered above 15 percent.

Although Calpine agrees that there are situations in which the use of unspecified sources will be unavoidable or otherwise necessary (such as the use of substitute power described above), it is critical to the success of the State’s efforts to reduce GHG emissions and that default emission factors be set at levels that will, as a general matter, discourage generation sources from being marketed as unspecified. In contrast, the default emission factors that would be set by the Proposed Decision are too low and, as a result, would have just the opposite effect.

Because emissions are a key determinate of a source’s relative value under an emissions cap system, any source with emissions above the default emissions factor would likely market itself as an unspecified source. Given the low default emission factors that would be adopted by the Proposed Decision, most fossil-fuel sources, including combined cycle natural gas facilities, would have an economic incentive to market themselves as unspecified. The net result is that sources with very different emission profiles may be treated identically for reporting and tracking purposes.

In addition, and perhaps most troubling, low default emission factors may actually increase purchases from high emitting sources by encouraging such sources to market themselves as unspecified sources. For example, if a coal-fired generator sold power through a Northwest intertie on an unspecified basis, the Proposed Decision would apply a default

⁷ Proposed Decision, mimeo at 23.

emission factor of 714 lbs CO₂/MWh⁸ – nearly 400 lbs CO₂/MWh less than the emission level the CPUC found to be representative of a combined cycle natural gas power plant.⁹ Moreover, given that emissions from coal-fired generation range from 2,017 – 2,263 lbs CO₂/MWh,¹⁰ this would mean that up to 1,549 lbs CO₂/MWh of emissions would essentially be unaccounted for – that is, *actual* emissions would be 1,549 lbs CO₂/MWh *higher* than would be recognized under the reporting and tracking requirements that would be adopted by the Proposed Decision.¹¹

AB 32 requires ARB to ensure that GHG emission reductions are “real, permanent, quantifiable, verifiable, and enforceable.”¹² By definition, however, the use of default emission factors do not reflect the actual emissions from a source. Thus, when default emission factors are used for reporting and tracking purposes, there is no way to determine whether reported emissions reductions are real or illusory, much less quantify and verify them. The net effect is that goals of AB 32 are compromised.

Policies that could potentially increase purchases of electricity from high emitting sources are inconsistent with AB 32 and should be discouraged. Accordingly, the Proposed Decision should be revised to increase the default emission factors for unspecified sources to reflect the highest emitting unit in a region. Such a revision should help remove any incentive for high emitting sources to market themselves as unspecified sources and, as a result, better help the State achieve the long-term GHG reduction goals established in AB 32.

⁸ See Proposed Decision, mimeo at 4.

⁹ See Decision 07-01-039, mimeo at 66.

¹⁰ See Staff Proposal at 24.

¹¹ The Staff Proposal identifies a coal emissions factor range of 2,017 – 2,263 lbs CO₂/MWh. (2,263 – 714 = 1,549).

¹² Cal. Health and Safety Code § 38562(d)(1).

II. APPLYING DEFAULT EMISSION FACTORS TO SPECIFIED SOURCES UNDERMINES THE GOALS OF AB 32

The Proposed Decision would find that, in some instances, it may be necessary to use default emissions factors to attribute GHG emissions to specified sources. Specifically, the Proposed Decision provides:

In some situations, to ensure that only real GHG reductions are calculated for power transactions reported by California retail providers, ARB may need to attribute emissions to purchases of power by California retail providers *that are different than the GHG emissions that occur from the source specified in the contract*.¹³

For instance, with respect to “new contracts with existing specified sources,” the Proposed Decision recommends that ARB apply the actual emissions from a specified source only in limited circumstances:

Therefore, we recommend that ARB attribute emissions for purchases from specified sources based on emission factors of the specified source *only if* (a) the purchase is made through a [power purchase agreement (“PPA”)] that was in effect prior to January 1, 2008 and either is still in effect or has been renewed without interruption, or (b) the purchase is made through a PPA from a power plant that became operational on or after January 1, 2008.¹⁴

If the above conditions are not satisfied, the Proposed Decision would apply the “default emission factor of the region in which the specified source is located.”¹⁵ According to the Proposed Decision, applying default emission factors in such circumstances will help reduce the likelihood of retail providers being able to use “paper” emission reductions¹⁶ to satisfy compliance with AB 32 and better reflect when actual GHG emissions reductions are achieved.¹⁷ This aspect of the Proposed Decision should be changed.

¹³ Proposed Decision, mimeo at 44 (Findings of Fact 8) (emphasis added).

¹⁴ Proposed Decision, mimeo at 21 (emphasis added).

¹⁵ Proposed Decision, mimeo at 18.

¹⁶ Proposed Decision, mimeo at 14.

¹⁷ Proposed Decision, mimeo at 18.

For a variety of reasons, ignoring a source’s known emissions in favor of a default emission factor is inconsistent with accurate emission reporting and tracking, and ultimately undermines the goals of AB 32. AB 32 requires ARB to develop reporting protocols that will “[a]ccount for greenhouse gas emissions from all electricity consumed in the state.”¹⁸ If a source is “specified” and its emissions are known, attributing a default emissions factor to the source will necessarily result in *inaccurate* “accounting” of GHG emissions, unless by sheer luck the source’s actual emissions are the same as the default emissions factor. Policies that knowingly require inaccurate accounting of emissions frustrate efforts to reduce GHG emissions and should not be adopted.

Moreover, because the Proposed Decision would adopt default emissions factors that are lower than the emission factors for the Western Electricity Coordinating Council (1,107 lbs CO₂/MWh)¹⁹ and the emissions performance standard adopted by the Commission in Decision 07-01-039 (1,100 lbs CO₂/MWh),²⁰ it is likely that the default emissions factor will be lower than a given source’s actual emissions in most instances, certainly with respect to most fossil-fuel sources. As a result, applying the default emission factor will necessarily result in “reported” emissions being lower than actual emissions. For California as a whole this means that *reported* statewide GHG emissions may overstate any actual emissions reductions, notwithstanding that all responsible entities are in compliance with their respective obligations under AB 32.

To better ensure that reporting and tracking requirements most accurately capture actual GHG emissions attributed to the electricity sector, the emissions associated with a specified

¹⁸ Cal. Health and Safety Code § 38530(b)(2).

¹⁹ Staff Proposal at 24.

²⁰ In adopting an emissions performance standard, the Commission acknowledged that Senate Bill 1368 directed it to adopt a standard that is reflective of a baseload, natural gas combined cycle gas turbine. Decision 07-01-039, mimeo at 234 (Findings of Fact 53).

source should be used for reporting and tracking purposes in all cases. Accordingly, the Proposed Decision should be revised to prohibit the use of default emission factors for specified resources.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Judy Pau, certify:

I am employed in the City and County of San Francisco, California, am over eighteen years of age and am not a party to the within entitled cause. My business address is 505 Montgomery Street, Suite 800, San Francisco, California 94111.

On August 24, 2007, I caused the following to be served:

**COMMENTS OF CALPINE CORPORATION ON THE PROPOSED DECISION OF
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via electronic mail to all parties on the service list R.06-04-009 who have provided the Commission with an electronic mail address and by First class mail on the parties listed as “Appearance” and “State Service” on the attached service list who have not provided an electronic mail address.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on the date above at San Francisco, California.

_____/s/ Judy Pau_____
Judy Pau

cc: Commissioner Michael R. Peevey (via U.S. Mail and Email)
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CALIFORNIA PUBLIC UTILITIES COMMISSION

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